

Appln No. 10/650,679

Amendment under Rule 116 in Reply to Office action dated Aug. 26, 2005

REMARKS

The foregoing amendments are proposed in response to the Final Office action in order to emphasize the distinctions of the present invention over the newly cited U.S. Patent No.

5,775,866 to Tax et al. and the previously cited Lichtenford patent, relied on for final rejection of claims 1-7. Also the proposed amendments to the claims avoids the rejection of claim 2 as indefinite under 35 U.S.C. 112 without introducing new matter, as hereinafter pointed out.

The rejection of claim 2 as indefinite, as stated on page 2 under paragraph 1 of the final Office action, relates to the locational mounting of the container spreader means 52 as set forth in the original specification of the application as filed, on page 6 in paragraph [0012] which specifies: "Each of the end crane units 20 and 22 also has a stack spreader 25". Furthermore, no stack spreader 52 is mounted on the central crane unit 24 as clearly shown in FIGS. 1, 2 and 3 of the drawing. Accordingly the Examiner's assumption as stated in the rejection of claim 2 as indefinite, is in error. Claim 2 as amended therefore specifies "said container spreader means being mounted only on said end crane units".

Such mounting of the container stack spreaders 52 only on the end crane units 20 and 22 is interrelated with (a) the lateral spacing of the end crane units 20 and 22 from the aligned roller track sections 26, 28 and 30 on the three crane units 20, 24 and 22 and (b) the positioning of the conveyor loader 10 with the central crane unit 24 underlying the spreader bar 18 of a marine terminal crane for container transfer, as indicated for example under paragraph [0013] of the original specification which states: "container 14, may be vertically transferred by the crane spreader bar 18 between a marine terminal crane and the roller track section 30 associated with the central crane unit 24". The foregoing referred to arrangement of container transfer

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components is clearly different from that disclosed in the Tax et al. and Lichtenford patents. Thus amended apparatus claim 1 specifies: "a central passage lane aligned below said terminal crane--to guide movement of the containers between--end passage lanes in laterally spaced relation to the central passage lane; and container spreader means mounted--above said end passage lanes for effecting said movement--between said central passage lane--and the end passage lanes along which the land-based vehicle may travel without obstruction--". Amended method claim 6 also covers the foregoing referred to patentably distinguishing aspects of the present invention by specifying: "positioning a common track passage lane--below a marine terminal crane--; establishing two parallel spaced passage lanes on opposite sides of the positioned common track passage lane along which the land-based vehicle may the land-based vehicle may approach and depart without obstruction; laterally transferring the containers between the--vehicle and the--common track passage lane--; and transferring the containers between the marine terminal crane and the positioned common track passage lane--".

In view of the limitations associated with the latter quoted recitations of amended claims 1, 2 and 6, the patentable distinctions of the present invention over the two prior art references relied on for final rejection is clearly emphasized without insertion of new matter. Entry of the

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claim amendments and an allowance of claims 1, 2 and 6 together with claims 3, 4, 5 and 7
dependent therefrom is therefore in order and hereby requested.

Respectfully submitted,


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